

UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA

- v -

George Anthony Devolder Santos

Presiding Judge: **Joanna Seybert, Senior U.S.D.J.**Case No(s): **23-cr-0197-JS-AYS**Date: **8/13/2024**Start Time: **10:50 AM** Total Time: **35 mins.**

MINUTE ENTRY FOR A CRIMINAL PROCEEDING

SEALED PROCEEDING: ☐ Yes ☒ No

I. APPEARANCES:

 Defendant (# 1): **George Anthony Devolder Santos**
☒ Present ☐ Not Present ☐ In Custody ☒ On Bond ☐ Surrendered

 Counsel: **Joseph Murray, Andrew Mancilla, Robert Fantone, Jr.**
☒ Retained ☐ Federal Defender ☐ CJA ☐

 Defendant (# _____): _____
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

 Counsel: _____
☐ Retained ☐ Federal Defender ☐ CJA ☐

 Defendant (# _____): _____
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

 Counsel: _____
☐ Retained ☐ Federal Defender ☐ CJA ☐

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 Counsel: _____
☐ Retained ☐ Federal Defender ☐ CJA ☐

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 Counsel: _____
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☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

 Counsel: _____
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 Counsel: _____
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 Defendant (# _____): _____
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

 Counsel: _____
☐ Retained ☐ Federal Defender ☐ CJA ☐

 Government: **Ryan Harris, Anthony Bagnuola, Laura Zuckerwise**
Jacob Steiner, John Taddei

Interpreter(s): _____

Language: _____

Pretrial Services: _____

Court Reporter(s): **Lisa Schmid**

Probation Dept.: _____

Other Appearances: _____

FTR Time(s): _____

Courtroom Deputy: **Eric L. Russo**

II. PROCEEDINGS HELD:

☒ In-Person☒ Arraignment (*see pg. 2*)☐ Fatico Hearing (*see pg. 3*)☒ Motion Hearing (*see pg. 3*)☐ By Telephone☐ Bond Hearing (*see pg. 5*)☐ Initial Appearance (*see pg. 2*)☐ Plea Hearing (*see pg. 4*)☐ By Video☐ Curcio Hearing (*see pg. 2*)☐ Jury Deliberations (*see pg. 3*)☐ Sentencing/Re-Sentencing (*see pg. 4*)☐ Detention Hearing (*see pg. 5*)☐ Jury Selection (*see pg. 3*)☒ Status/Pre-Trial Conference (*see pg. 2*)☐ Evidentiary Hearing (*see pg. 3*)☐ Jury Trial (*see pg. 3*)☐ Other Proceeding: _____

III. SUMMARY OF THE PROCEEDINGS:

- ☒ Arraignment held as to the charge(s) outlined in the Second Superseding Indictment (S-2) filed on 5/28/2024.
- ☐ This was an initial appearance before this Court by Defendant _____.
- ☐ Defendant _____ waived Indictment.
- ☐ Waiver of Indictment executed by Defendant _____.
- ☒ Defendant 1 waived the public reading of the charging instrument.
- ☐ Defendant _____ was advised of, and acknowledged, the charges outlined in the charging instrument.
- ☒ The Government was advised of, and acknowledged, its obligation under F.R.Cr.P. Rule 5(f) and the Due Process Protections Act.
- ☒ A written order will be entered fully describing this obligation and the possible consequences of failing to meet it.
- ☒ Defendant 1 entered a plea of NOT GUILTY as to all counts of the charging instrument.
- ☐ Defendant _____ consented to the exclusion of Speedy Trial time from _____ to _____ pursuant to Title 18, United States Code, Section 3161.
- ☐ Defendant _____ did not consent to the exclusion of Speedy Trial time.
- ☐ The Court ordered the exclusion of Speedy Trial time from _____ to _____ pursuant to Title 18, United States Code, Section 3161.
- ☐ The Court deemed this case COMPLEX and Speedy Trial time was excluded pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(ii).
- ☐ See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.
- ☐ Curcio Hearing held as to Defendant _____.
- ☐ Attorney _____ (☐ Federal Defender; ☐ CJA) was appointed to represent the defendant for purposes of this hearing.
- ☐ The parties presented their oral arguments to the Court.
- ☐ The defendant was informed of the potential dangers arising from any conflicts of interest with current defense counsel.
- ☐ The defendant acknowledged and waived any potential conflicts of interest and wishes to proceed with current defense counsel.
- ☐ The defendant requested that current counsel be relieved and:
- ☐ that the defendant will retain new counsel.
- ☐ The defendant must retain new counsel by _____; or within _____ of this hearing.
- ☐ that the Court appoint new counsel.
- ☐ The defendant completed and filed the CJA 23 Financial Affidavit for the Court's review.
- ☐ The Court's decision: ☐ was entered on the record; ☐ will be entered under a separate order; ☐ was RESERVED.
- ☐ See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.
- ☒ Status Conference/Pre-Trial Conference held as to the charges outlined in the Second Superseding Indictment (S-2) filed on 5/28/2024.
- ☐ This was an initial appearance before this Court by Defendant _____.
- ☒ The parties advised the Court of the status of the case.
- ☐ Defendant _____ consented to the exclusion of Speedy Trial time from _____ to _____ pursuant to Title 18, United States Code, Section 3161.
- ☐ Defendant _____ did not consent to the exclusion of Speedy Trial time.
- ☐ The Court ordered the exclusion of Speedy Trial time from _____ to _____ pursuant to Title 18, United States Code, Section 3161.
- ☐ The Court deemed this case COMPLEX and Speedy Trial time was excluded pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(ii).
- ☒ The Court deemed this case TRIAL READY.
- ☐ The Court set the following pre-trial submission schedule:
- | | |
|--|----------------|
| <input type="checkbox"/> All <u>3500 material</u> and <u>404(b) evidence</u> : | due by: _____. |
| <input type="checkbox"/> <u>Motion(s)</u> in Limine and all supporting papers: | due by: _____. |
| <input type="checkbox"/> <u>Opposition(s)</u> to Motions in Limine and all supporting papers: | due by: _____. |
| <input type="checkbox"/> <u>Reply(ies)</u> to Motions in Limine and all supporting papers: | due by: _____. |
| <input type="checkbox"/> Proposed <u>Voir Dire questions</u> and <u>case summary</u> : | due by: _____. |
| <input type="checkbox"/> Proposed <u>exhibit and witness list</u> : | due by: _____. |
| <input type="checkbox"/> Proposed <u>Jury Charge</u> and <u>Verdict Sheet</u> : | due by: _____. |
| <input type="checkbox"/> The Court <u>WILL NOT</u> grant any extensions of the deadlines set forth above. | |
| <input type="checkbox"/> The parties are directed to submit <u>courtesy copies</u> of their submissions in accordance with the Court's Individual Rules. <u>See Rule IV.</u> | |
| <input type="checkbox"/> The parties were directed to file a proposed pre-trial submission schedule on or before _____. | |
| <input type="checkbox"/> The Court will enter a separate order outlining the pre-trial submission schedule. | |
- ☒ See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.

☒ Evidentiary Hearing/Motion Hearing/Fatico Hearing held.☒ Hearing held regarding defendant's motions for partially anonymous jury and a written questionnaire (see DE 95).☐ The parties presented their oral arguments to the Court.☐ Witness(es) were called for the: ☐ Government; ☐ defendant(s).☐ Exhibits were entered into evidence.☐ The following briefing schedule was set:☐ _____ shall serve the motion and all supporting papers: due by: _____.☐ _____ shall serve the opposition to the motion and all supporting papers: due by: _____.☐ _____ shall serve the cross-motion and all supporting papers: due by: _____.☐ _____ shall serve the reply and all supporting papers: due by: _____.☐ _____ shall serve the opposition to the cross motion and all supporting papers: due by: _____.☐ _____ shall serve the reply to the cross motion and all supporting papers: due by: _____.☐ The Court WILL NOT grant any extensions of the deadlines set forth above.☐ The parties are directed to submit courtesy copies of their motion papers in accordance with the Court's Individual Rules. See Rule IV.☐ The parties were directed to file a proposed briefing schedule on or before _____.☐ The Court will enter a separate order outlining the briefing schedule.☒ The Court made the following ruling(s):☒ GRANTED as to: defendant's motions for partially anonymous jury.☒ DENIED as to: defendant's motions for a written questionnaire.☐ GRANTED, in part, as to: _____.☐ Decision RESERVED as to: _____.☒ The Court's decision: ☒ was entered on the record; ☐ will be entered under a separate order.☐ See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.☐ Jury Selection (*Voir Dire*) held.☐ The prospective jurors were sworn and given preliminary instructions by the Court.☐ The prospective jurors were asked questions touching upon their qualifications to serve as jurors.☐ A jury of _____, with _____ alternates, were selected and are satisfactory to all parties.☐ The Court ordered the jury to be: ☐ anonymous; ☐ sequestered; ☐ semi-sequestered.☐ The selected jurors were sworn as trial jurors.☐ See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.☐ Jury Trial held.☐ A jury of _____, with _____ alternates, were previously selected by _____ and are satisfactory to all parties.☐ The selected jurors were sworn as trial jurors.☐ The jurors were given preliminary instructions by the Court.☐ Opening statements were heard from the: ☐ Government; ☐ Defense Counsel.☐ Witness(es) were called for the: ☐ Government; ☐ defendant(s).☐ Exhibit(s) were entered into evidence.☐ The Government rested its case.☐ The defense rested its case.☐ A Charge Conference was held with the Court and counsel.☐ Summations were heard from the: ☐ Government; ☐ Defense Counsel; ☐ Government (*Rebuttal*).☐ The Court charged the jury.☐ See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.☐ Jury Deliberations held.☐ The U.S. Marshal/Court Security Officer was sworn to monitor the jurors during deliberations.☐ Jury Notes were received and marked as Court Exhibits.☐ The Court instructed the jury to continue their deliberations pursuant to *Allen v. United States (Allen Charge)*.☐ The jury rendered the following verdict:☐ _____ on Count(s): _____ as to Defendant _____.☐ _____ on Count(s): _____ as to Defendant _____.☐ _____ on Count(s): _____ as to Defendant _____.☐ _____ on Count(s): _____ as to Defendant _____.☐ The jurors were polled as to their verdict.☐ The Verdict Sheet was received and marked as a Court Exhibit.*Jury Deliberations continued on next page.*

Jury Deliberations continued from previous page.

- ☐ The Court charged the jury on the forfeiture allegation count(s) and instructed them to continue their deliberations.
 - ☐ Jury Notes were received and marked as Court Exhibits.
 - ☐ The jury rendered their verdict regarding the forfeiture allegation count(s).
 - ☐ The jurors were polled as to their verdict.
 - ☐ The Special Verdict Sheet was received and marked as a Court Exhibit.
 - ☐ The jurors, including alternates, were excused with the thanks of the Court.
 - ☐ The Conviction Notification Form was executed and sent to the U.S. Probation Department.
 - ☐ See Section VI and/or Section VII (page 7) for additional details and/or rulings.
- ☐ Plea Hearing held as to count(s) _____ of the _____-count _____.
- ☐ The defendant was advised of, and acknowledged, the constitutional rights that will be waived when entering a plea of guilty.
 - ☐ The defendant withdrew previously entered not guilty plea and entered a plea of GUILTY to the above referenced count(s).
 - ☐ Court found that there is a factual basis for the guilty plea and ACCEPTED the defendant's plea of guilty.
 - ☐ An Order of Forfeiture was executed.
 - ☐ The Court ordered the U.S. Probation Department to prepare and submit an EXPEDITED Presentence Investigation Report.
 - ☐ The parties consented to hold the preparation of the Presentence Investigation Report in ABEYANCE.
 - ☐ The Conviction Notification Form was executed and sent to the U.S. Probation Department.
 - ☐ The parties WAIVED the preparation of the Presentence Investigation Report.
 - ☐ See Section VI and/or Section VII (page 7) for additional details and/or rulings.
- ☐ Sentencing/Re-Sentencing held as to count(s) _____ of the _____-count _____.
- ☐ The parties advised the Court that there are no objections or corrections to the Presentence Investigation Report.
 - ☐ Objections/Corrections to the Presentence Investigation Report were outlined on the record by: ☐ the Government; ☐ Defense Counsel.
 - ☐ The Court adopted the Presentence Investigation Report without change.
 - ☐ Changes to the Presentence Investigation Report were outlined on the record by the Court.
 - ☐ Oral presentations to the Court were made by: ☐ Defense Counsel; ☐ the defendant; ☐ the Government; ☐ the victim(s); ☐ _____.
 - ☐ The defendant was sentenced to IMPRISONMENT for a total term of _____.
 - ☐ Upon release, the defendant shall be on SUPERVISED RELEASE for a total term of _____.
 - ☐ The defendant shall comply with the mandatory and standard conditions of supervision.
 - ☐ One or more of the mandatory/standard conditions of supervision were not ordered or were amended by the Court.
 - ☐ The defendant shall comply with the special conditions of supervision ordered by the Court.
 - ☐ The Court did not impose a term of Supervised Release.
 - ☐ The defendant was sentenced to PROBATION for a total term of _____.
 - ☐ The defendant shall comply with the mandatory and standard conditions of supervision.
 - ☐ One or more of the mandatory/standard conditions of supervision were not ordered or were amended by the Court.
 - ☐ The defendant shall comply with the special conditions of supervision ordered by the Court.
 - ☐ The defendant must pay the following criminal monetary penalties:
 - ☐ RESTITUTION in the amount of: \$ _____; (☐ An Order of Restitution was executed.)
 - ☐ A FINE in the amount of: \$ _____.
 - ☐ A SPECIAL ASSESSMENT fine in the amount of: \$ _____.
 - ☐ An AVAA ASSESSMENT fine in the amount of: \$ _____.
 - ☐ A JVTA ASSESSMENT fine in the amount of: \$ _____.
 - ☐ The interest requirement on any of the criminal monetary penalties:
 - ☐ was ordered on the amounts of more than \$2,500.00.
 - ☐ was modified by the Court.
 - ☐ was waived/not ordered/not applicable.
 - ☐ Restitution: ☐ was not ordered or not applicable; ☐ was paid in full prior to sentencing.
 - ☐ A fine and/or other assessment: ☐ was not ordered or not applicable; ☐ was paid in full prior to sentencing.
 - ☐ The determination of Restitution and/or a fine was deferred pending further proceedings or by further motion to the Court.
 - ☐ All other conditions shall remain in effect as previously ordered and outlined in the judgment dated _____.
 - ☐ The Order of Forfeiture dated _____ was adopted as the Final Order of Forfeiture and will be included as part of the judgment.
 - ☐ A Final Order of Forfeiture was executed and will be included as part of the judgment.
 - ☐ The defendant's right to appeal the Court's sentence:
 - ☐ was waived (pursuant to the Plea/Cooperation Agreement, or as stated on the record).
 - ☐ was preserved. The defendant has the right to file an appeal within **fourteen (14) days** of the date that the judgment is **entered, not filed**.
 - ☐ All open counts in the charging instrument(s) were dismissed on the motion of the United States.
 - ☐ See Section VI and/or Section VII (page 7) for additional details and/or rulings.

IV. RULINGS MADE REGARDING DEFENDANT RELEASE STATUS:

- ☐ Bond Hearing/Detention Hearing held.
- ☐ Defendant _____ did not present a bond application to the Court.
- ☐ An Order of Detention was executed as to Defendant _____.
- ☐ An Order Scheduling a Detention Hearing was executed as to Defendant _____.
- ☐ The bond application/modification was GRANTED as to Defendant _____.
- ☐ An Order Setting Conditions of Release and Bond was executed as to Defendant _____.
- ☐ The conditions of release were modified as to Defendant _____, as stated on the record.
- ☐ An amended Order Setting Conditions of Release and Bond was executed as to Defendant _____.
- ☐ The bond application/modification was DENIED as to Defendant _____.
- ☐ An Order of Detention was executed as to Defendant _____.
- ☐ The Government moved for immediate detention of Defendant _____.
- ☐ The motion was: ☐ GRANTED; ☐ DENIED; ☐ GRANTED, in part.
- ☐ An Arrest Warrant was executed as to Defendant _____.
- ☐ An Order of Detention was executed as to Defendant _____.
- ☐ The conditions of release were modified as to Defendant _____, as stated on the record.
- ☐ An amended Order Setting Conditions of Release and Bond was executed as to Defendant _____.
- ☐ The decision regarding the bond or detention application was RESERVED.
- ☐ An Order Scheduling a Detention Hearing was executed as to Defendant _____.
- ☐ A temporary Order Setting Conditions of Release and Bond was executed as to Defendant _____.
- ☐ See Section VI and/or Section VII (page 7) for additional details and/or rulings.

For a defendant currently IN-CUSTODY:

- ☐ Defendant _____ remain(s) in custody.
- ☐ The following orders were executed and shall be forwarded to the U.S. Marshals Service and/or the Federal Bureau of Prisons:
- ☐ A Medical Evaluation Order as to Defendant _____.
- ☐ A Competency Order as to Defendant _____.
- ☐ A Force Order as to Defendant _____.
- ☐ The defendant, being sentenced to TIME SERVED (*time in-custody prior to sentencing/re-sentencing*), shall be RELEASED, FORTHWITH.
- ☐ A Time Served Order was executed and submitted to the U.S. Marshals Service.
- ☐ The defendant will be under supervision of the U.S. Probation Department until the completion of the ordered term of Supervised Release.
- ☐ The defendant will not serve a term of Supervised Release.

For a defendant currently AT LIBERTY:

- ☒ Defendant 1 remain(s) on bond.
- ☐ The defendant, being sentenced to a TERM OF IMPRISONMENT, shall be IMMEDIATELY REMANDED to the custody of the U.S. Marshals Service and/or the Federal Bureau of Prisons.
- ☐ The defendant, being sentenced to a TERM OF IMPRISONMENT, shall surrender for the service of the sentence before 2:00 PM on _____ at the institution designated by the Federal Bureau of Prisons. The defendant will REMAIN AT LIBERTY and under supervision of the Pretrial Services Department until the ordered surrender date.
- ☐ The U.S. Marshals Voluntary Surrender form was executed.
- ☐ Any motion to extend the surrender date must be made at least a **thirty (30) days** prior to the ordered surrender date.
- ☐ The defendant was advised that there will be no extensions of the surrender date.
- ☐ The defendant, being sentenced to a TERM OF PROBATION, will REMAIN AT LIBERTY and under supervision of the U.S. Probation Department until the completion of the ordered term of Probation.
- ☐ The defendant, being sentenced to TIME SERVED (*time in-custody prior to being released*), shall REMAIN AT LIBERTY and under supervision of the U.S. Probation Department until the completion of the ordered term of Supervised Release.
- ☐ The defendant, being sentenced to TIME SERVED (*time in-custody prior to being released as well as time under supervision*), shall be released from all conditions of supervision, forthwith.

V. FURTHER PROCEEDINGS SET:

☐ No further proceedings have been set at this time.

☐ Bond Hearing: For Defendant _____ set for _____ at _____ before _____; _____.

☐ Curcio Hearing: For Defendant _____ set for _____ at _____ before _____; _____.

☐ Detention Hearing: For Defendant _____ set for _____ at _____ before _____; _____.

☐ Evidentiary Hearing: For Defendant _____ set for _____ at _____ before _____; _____.

☐ Fatico Hearing: For Defendant _____ set for _____ at _____ before _____; _____.

☒ Jury Selection: For Defendant 1 set for 9/9/2024 at 9:30 AM before Judge Joanna Seybert; In Courtroom 287.

☐ Jury Trial: For Defendant _____ set for _____ at _____ before _____; _____.

☐ Motion Hearing: For Defendant _____ set for _____ at _____ before _____; _____.

☐ Plea Hearing: For Defendant _____ set for _____ at _____ before _____; _____.

☐ Pre-Trial Conference: For Defendant _____ set for _____ at _____ before _____; _____.

☐ Status Conference: For Defendant _____ set for _____ at _____ before _____; _____.

☐ Sentencing/Re-Sentencing: For Defendant _____ set for _____ at _____ before _____; _____.

Filing of Sentencing Memoranda in accordance with the Court's Individual Rules (see Rule VII(D)(2)):

☐ The Government's sentencing memoranda: due by: _____.

☐ The defendant's sentencing memoranda: due by: _____.

☐ The parties are directed to submit courtesy copies of their submissions in accordance with the Court's Individual Rules (see Rule IV). If a party chooses to proceed without filing a sentencing memorandum, a letter to the Court advising as such must be filed by the due date set forth above, in lieu of their memorandum.

PARTIES ARE ON NOTICE: 1) Once sentencing memoranda are filed, further sentencing submissions **will not be accepted** without prior, written, Court approval; and 2) If the Court does not receive any sentencing related filings by the due date set forth above, it may, sua sponte, adjourn sentencing to a date and time of its convenience.

☐ All sentencing memorandums have been filed. Further sentencing submissions **will not be accepted** without prior, written, Court approval.

☐ The Government waived the filing of a sentencing memorandum and/or reserved the right to make an oral presentation at sentencing.

☐ Defense counsel waived the filing of a sentencing memorandum and/or reserved the right to make an oral presentation at sentencing.

☐ The Court ordered the proceeding(s) above to be held via the Court's teleconferencing system. Parties are directed to dial the following telephone number at the designated time: **877-336-1839, access code 7231185**.

☐ The Court ordered the proceeding(s) above to be held by video, via **ZoomGov**. The parties on the case will be sent a separate notice by the Courtroom Deputy with instructions on how to log into the video meeting as the scheduled date approaches.

☒ *Further instructions regarding the proceeding(s) set:*

- The parties were advised to report to Courtroom 1030 at 10:30 AM on the day of jury selection.

VI. OTHER RULINGS MADE DURING THE PROCEEDINGS:

☐ The record of this proceeding was deemed **SEALED**. Transcripts of this proceeding can be made available to the Court, the defendant(s), defense counsel, and the Government **ONLY**. Any other non-party must file a written request to the Court for permission to receive a copy of the transcripts.

☐ The Court made the following rulings:

VII. ADDITIONAL RULINGS:

☐ The Court makes the following additional rulings (*not addressed during the proceedings*):